

## Message Text

CONFIDENTIAL

PAGE 01 MANAGU 02273 01 OF 02 172135Z  
ACTION ARA-14

INFO OCT-01 ISO-00 HA-05 IO-13 SS-15 L-03 PA-01  
CIAE-00 INR-10 NSAE-00 NSC-05 /067 W  
-----005667 172156Z /63  
P 171953Z MAY 78  
FM AMEMBASSY MANAGUA  
TO SECSTATE WASHDC PRIORITY 6608

C O N F I D E N T I A L SECTION 1 OF 2 MANAGUA 2273

E.O. 11652: GDS  
TAGS:SHUM, NU  
SUBJECT: HUMAN RIGHTS REPORT CRITIQUE

REF: A) STATE 120485, B) 77 MANAGUA A-131, C) MANAGUA A-004,  
D) MANAGUA A-108 (1977)

BEGIN SUMMARY: EMB FINDS THAT COMMENTS ON HUMAN RIGHTS IN NICARAGUA BY COALITION FOR NEW FOREIGN AND MILITARY POLICY ARE REPRESENTATIVE OF POSITION OF LOCAL ANTI-SOMOZA ACTIVITSTS. THEY ARE BASED ON KERNELS OF EVIDENCE AND ALLEGATIONS, BUT DO NOT MAKE A DISTINCTION BETWEEN THE TWO. THE CRITIQUE IS ALSO UNBALANCED IN THAT EVENTS SUCH AS INJURIES AND DEATHS ASSOCIATED WITH PROTESTS, RIOTING, AND GUERRILLA ATTACKS HAVE INCLUDED DEATH AND INJURY OF GUARDIA ELEMENTS AND GON-SUPPORTERS. EMB COMMENTS BELOW RESPOND TO SPECIFIC REQUESTS FOR INFORMATION AND OTHER SUGGESTIONS. END SUMMARY.

1. THE HUMAN RIGHTS REPORT IS CONCERNED WITH A WIDE RANGE OF ISSUES, NOT JUST ABUSE OF THE INDIVIDUAL. THE LIFTING OF MARTIAL LAW WAS AN IMPORTANT IMPROVEMEMENT IN THE SITUATION NOT ONLY IN TERMS OF ENDING INCOMMUNICADO DETENTION AND MILITARY TRIALS BUT ALSO IN ENDING CENSORSHIP WHICH COULD BE AND WAS AT TIMES USED BY THE GON TO SUPPRESS OR ALTER INFORMATION ON HUMAN RIGHTS ABUSE. SINCE THE END OF  
CONFIDENTIAL

CONFIDENTIAL

PAGE 02 MANAGU 02273 01 OF 02 172135Z

MARTIAL LAW THERE HAS BEEN NO CENSORSHIP OF THE WRITTEN MEDIA. PUNITIVE ACTION AGAINST THE ELECTRONIC MEDIA HAS BEEN TAKEN ONLY WHEN IT APPEARED THAT BROADCASTERS WERE PROMOTING CIVIL VIOLENCE OR WERE BROADCASTING FALSE OR ALARMIST INFORMATION WHICH WAS INJURIOUS TO INDIVIDUALS OR THE GOVERNMENT. THE ELECTRONIC MEDIA HAS GIVEN WIDE COVERAGE TO ANTI-REGIME SPOKESMEN, COMMUNIQUE, PROTEST SONGS,

ETC. THE PUNITIVE ACTIONS TAKEN BY THE GON AGAINST THE ELECTRONIC MEDIA HAVE SPECIFIED THE CHARGES, THE SECTION OF THE RADIO AND TV CODE VIOLATED AND PROVISION EXISTS FOR APPEAL OF THE DECISION. IT IS THE JUDGMENT OF THE EMB, THAT EVEN THOUGH THE BROADCASTS WHICH HAVE RESULTED IN SANCTIONS HAVE BEEN MOTIVATED BY THE POLITICAL ORIENTATION OF THE BROADCASTER, POLITICAL COMMENTARY PER SE HAS NOT BEEN RESTRICTED BY THE GON.

2. REGARDING ALLEGATIONS OF NEW DISAPPEARANCES OR KILLINGS, THE DEPT. IS CORRECT THAT SINCE FEBRUARY 1977 REPORTS OF DISAPPEARANCES DIMINISHED MARKEDLY. IN FACT THE OFFICIAL REPORT OF THE NICARAGUAN PERMANENT HUMAN RIGHTS COMMISSION (MANAGUA A-21) CONTAINS ONLY ONE REPORT OF A DISAPPEARANCE SINCE THAT DATE, AND THAT CASE (CASTILLO RAMIREZ) REFERS TO A PARTICIPANT IN THE FSLN ATTACKS OF FEBRUARY 1977. A FELLOW PARTICIPANT IN THE ATTACK ALLEGED IN COSTA RICA THAT CASTILLO HAD BEEN CAPTURED. THE GON DENIES THE ALLEGATION. WHEN MARTIAL LAW WAS LIFTED A FEW OF THE PERSONS PREVIOUSLY REPORTED AS DISAPPEARED WERE RELEASED FROM DETENTION AND THE EMB HAS NO SUBSTANTIAL EVIDENCE THAT ANY PERSONS REMAIN DETAINED ILLEGALLY. THIS CONCLUSION LEADS THE EMB TO BELIEVE THAT IN MANY CASES, THE CAMPESINOS WHO ARE REPORTED TO HAVE DISAPPEARED PRIOR TO FEBRUARY 1977 PROBABLY ARE DEAD. THE CAPUCHIN PRIESTS WHO COMPLIED THE LISTING OF DISAPPEARED, TORTURED, CONFIDENTIAL

CONFIDENTIAL

PAGE 03 MANAGU 02273 01 OF 02 172135Z

OR DEAD CAMPESINOS, REPORT NO FURTHER INSTANCES IN THEIR AREA OF OPERATION SINCE FEBRUARY 1977. THE FURTHER ALLEGATIONS OF DEATH OR BRUTALITY WHICH HAVE APPEARED SINCE THAT DATE ARE ALMOST ENTIRELY RELATED TO GUERRILLA ATTACKS, INSTANCES OF RIOTING OR OTHER CIVIL STRIFE IN WHICH THE GN HAS BEEN UNDER ATTACK OR RESPONDING TO ACTS OF VIOLENCE OR THREATS OF VIOLENCE. THIS IS NOT TO SAY THAT BYSTANDERS AND INNOCENT PEOPLE INCLUDING CHILDREN HAVE NOT BEEN VICTIMS, BUT THEY APPEAR TO HAVE BEEN UNINTENTIONAL VICTIMS.

3. ACCORDINGLY, THE DEPT'S PROPOSED RESPONSES WITH REGARD TO PRESS AND PUBLIC DEBATE AND GN KILLINGS IN THE WAKE OF THE CHAMORRO ASSASSINATION ARE CORRECT.

4. TOTURE: EMB AGREES WITH DEPT THAT ALLEGATIONS OF TORTURE ARE NOT GENERALLY DOCUMENTED. IN ADDITION, EVEN IF THERE WERE EIGHT DOCUMENTED CASES OF TORTURE SINCE THE END OF MARTIAL LAW THESE WOULD NOT INVALIDATE THE STATEMENT THAT THERE WERE FEW OF THESE REPORTS.

5. AS FAR AS SPECIFIC CASES, MRS. SILVIA AMADOR DE MCEWAN

WAS DETAINED FOR ABOUT A WEEK IN OCTOBER 1977 FOR INVESTIGATION OF SUPPOSED SUBVERSIVE ACTIVITIES. MRS. MC EWAN'S HUSBAND IS SERVING A SEVEN-YEAR SENTENCE AS A RESULT OF THE FSLN TRIALS LAST YEAR. FOLLOWING HER RELEASE SHE ALLEGED TORTURE BY CIGARETTE BURNS. IN EARLY NOVEMBER A MILITARY COURT WAS COMPOSED TO INVESTIGATE HER CHARGE. ACCORDING TO A MEDICAL REPORT MRS. MCEWAN HAD FIVE SECOND-DEGREE BURNS IN THE ABDOMINAL AREA WHICH HAD BEEN CAUSED WITHIN A FEW DAYS OF THE EXAMINATION. FROM THE INVESTIGATION THERE WAS AGREEMENT THERE HAD BEEN NO PHYSICAL ABUSE AT ANY TIME FOLLOWING THE FIRST DAY OF HER DETENTION. SHE WAS CONSTANTLY SUPERVISED BY WOMAN GUARDS. HOWEVER, MRS. MCEWAN ALLEGED TORTURE ON THE FIRST DAY OF DETENTION WHICH WAS DISPUTED BY THE GUARDS WHO SAY THEY WERE ALWAYS PRESENT DURING HER  
CONFIDENTIAL

CONFIDENTIAL

PAGE 04 MANAGU 02273 01 OF 02 172135Z

DETENTION AND INTERROGATION AND THERE WAS NO TORTURE. THE CONJECTURE OF THE GUARDS WAS THAT THE BURNS WERE SELF-INFLICTED WHEN SHE WAS IN THE LAVATORY TO DISCREDIT THE GOON. THERE REMAINS DOUBT AS TO WHETHER THE BURNS WERE THE RESULT OF TORTURE OR SELF-INFLICTED. THERE HAS BEEN ONLY ONE OTHER CASE OF ALLEGED BURNING BY CIGARETTE BY A YOUNG MALE EMPLOYEE OF LA PRENSA.

CONFIDENTIAL

NNN

CONFIDENTIAL

PAGE 01 MANAGU 02273 02 OF 02 172137Z  
ACTION ARA-14

INFO OCT-01 ISO-00 HA-05 IO-13 SS-15 L-03 PA-01

CIAE-00 INR-10 NSAE-00 NSC-05 /067 W

-----005720 172154Z /63

P 171935Z MAY 78

FM AMEMBASSY MANAGUA

TO SECSTATE WASHDC PRIORITY 6609

CONFIDENTIAL SECTION 2 OF 2 MANAGUA 2273

6. FATHER JOSE SANDOVAL AND ANOTHER PRIEST WERE DETAINED FOR TWENTY-FOUR HOURS IN OCTOBER 1977. THE TORTURE ALLEGATION ARISES NOT FROM PHYSICAL ABUSE BUT FROM LACK OF FOOD DURING THEIR DETENTION AND THE FACT THEY HAD TO SLEEP

ON THE FLOOR. IT SEEMS CLEAR THE JAIL CONDITIONS WERE INADEQUATE.

7. DR. JUAN IGNACIO GUTIERREZ WAS ALSO ARRESTED IN OCTOBER AND HELD FOR TEN DAYS, THE FIRST FEW OF WHICH WERE INCOMMUNICADO. EMBOFF SPOKE WITH DR. GUTIERREZ FOLLOWING HIS RELEASE, AND HE SAIS HE HAD NOT BEEN PHYSICALLY TORTURED BUT HAD BEEN PUSHED AROUND IN CONNECTION WITH HIS ARREST AND HAD BEEN KEPT FOR THE FIRST THREE DAYS IN A HEAVILY AIR-CONDITIONED CELL WITH ONLY HIS UNDERCLOTHES FOR WARMTH.

8. PROF. TOMAS PEREZ PEREZ WAS ARRESTED IN NOVEMBER AND HELD FOR INTERROGATION FOR ABOUT HALF A DAY. HE ALLEGES HE WAS REPEATEDLY HIT IN CONNECTION WITH HIS INTERROGATION.

9. WITHOUT THE NAMES OF OTHERS WHO ALLEGE TORTURE, EMB IS UNABLE TO COMMENT, HOWEVER, THERE PRESUMABLY WAS LOCAL PRESS COVERAGE OF THEIR ALLEGATIONS AS THERE WAS IN EACH OF THE ABOVE CASES. ALTHOUGH SOME OF THESE CASES DO APPEAR TO REPRESENT CLEAR CUT INDICATIONS OF BRUTALITY, THEY ARE NOT CLEARLY CASES OF TORTURE.

CONFIDENTIAL

CONFIDENTIAL

PAGE 02 MANAGU 02273 02 OF 02 172137Z

10. BRUTALITY IS AN ONGOING PROBLEM. THERE HAVE BEEN NUMEROUS ALLEGATIONS OF BRUTALITY, USUALLY IN CONNECTION WITH ARRESTS OR GN ACTIONS TO BREAK UP PROTESTS. EMBOFFS HAVE SPOKEN WITH SEVERAL PERSONS WHO ALLEGE BRUTALITY, AND IT SEEMS CLEAR THAT SOME GN RECRUITS HAVE LITTLE INHIBITION ABOUT EMPLOYING EXCESSIVE FORCE, I.E., CLUBBING WITH RIFLE BUTTS, IF THEY FEEL THREATENED OR THEIR AUTHORITY IS CHALLENGED. HOWEVER, A PROBLEM EXISTS IN ANALYZING THE ALLEGATIONS OF BRUTALITY IN THAT SOME ARE AFRAID TO AIR THEIR COMPLAINTS AND OTHERS ALLEGED BRUTALITY IF THEY ARE AS MUCH AS TOUCHED BY A GUARD. HOWEVER, EMB VIEWS BRUTALITY AS A RECURRENT ABUSE WHICH CAN ONLY BE ERADICATED OVER TIME THROUGH THE APPLICATION OF DISCIPLINE. TO DATE, DISCIPLINARY MEASURES HAVE BEEN RUMORED, BUT THERE HAS BEEN NO PUBLIC INDICATION THAT THE GN IS TAKING SERIOUSLY ALLEGATIONS OF BRUTALITY.

11. ARBITRARY ARREST AND DETENTION: REGARDING ESPINOSA'S ALLEGATIONS, DEPT IS INCORRECT THAT ALL ESPINOSA'S CONNECTIONS WITH THE GN WERE SEVERED SOME YEARS AGO. AS EXPLAINED REF C, HE WAS DISCHARGED FROM THE GN IN 1972, BUT HE HAD BEEN WORKING IN A CIVILIAN CAPACITY AS A GN DRIVER PRIOR TO HIS ASYLUM REQUEST. EMB IS INCLINED TO GIVE MORE WEIGHT TO LATER STATEMENT OF A GN LIEUTENANT WHO ALSO "DEFECTED" TO THE FSLN THAT HIS EXPERIENCE AND KNOWLEDGE INDICATED THAT DISAPPEARED CAMPESINOS WERE DEAD RATHER THAN SECRETLY CAPTIVE. THIS IS ALSO BELIEF, ALTHOUGH NOT

PUBLICLY STATED, OF CAPUCHIN PRIESTS WHO FIRST SURFACED THE PROBLEM OF DISAPPEARING CAMPESINOS. EMB BELIEVES THE PROBLEM OF PROLONGED DETENTION, OFTEN INCOMMUNICADO, ENDED WHEN MARTIAL LAW WAS LIFTED. NEVERTHELESS, THE GON CONTINUES TO REMAIN A TARGET FOR THE CHARGE OF CONTINUED SECRET DETENTION UNTIL THE CASES OF THE MISSING CAMPESINOS IS CLEARED UP.

CONFIDENTIAL

CONFIDENTIAL

PAGE 03 MANAGU 02273 02 OF 02 172137Z

12. THE ALLEGATION OF SECRET GN DETENTION CENTERS REFERS TO FIVE DETENTION CENTERS WHICH ARE WELL KNOWN (A THROUGH E OF REF B). THE SIXTH SITE (F OF REF B) AT EL CHILIMATE IN ZELAYA DEPARTMENT, IF IT EXISTS, HAS NOT RECEIVED ANY ATTENTION BY THE LOCAL PRESS OR HUMAN RIGHTS COMMISSION. IT SHOULD BE NOTED THAT EL CHILIMATE IS ON THE RAMA HIGHWAY AND, THEREFORE, NOT LIKELY TO BE ISOLATED ENOUGH TO BE THE LOCATION OF A SECRET DETENTION CENTER.

13. REGARDING ALLEGATIONS OF TORTURE OF THE PERSONS SENTENCED IN THE FSLN TRIALS (ONLY 35 WERE CAPTIVE, THE OTHERS WERE TRIED IN ABSENTIA), SUCH ALLEGATIONS WERE PUBLICLY MADE BY SEVERAL, BUT NOT ALL, OF THE PRISONERS AND DIFFUSED IN THE MEDIA DESPITE CENSORSHIP. THE CHARGES OF TORTURE WERE IN ALL CASES RELATED TO THE INITIAL PERIOD OF INTERROGATION. EMB IS UNABLE TO EVALUATE WHETHER THESE ALLEGATIONS ARE TRUE AS GON HAS NOT RESPONDED TO EMB INFORMAL REQUESTS FOR INFORMATION ON THESE CHARGES (REF D). RECENT ALLEGATIONS REGARDING TORTURE ARE ADDRESSED ABOVE.

14. RESPECT FOR CIVIL AND POLITICAL LIBERTIES: DEPT RESPONSE IS CORRECT AND ADEQUATE. THE ISSUE OF RESTRICTIONS ON ELECTRONIC MEDIA IS ADDRESSED ABOVE.  
SOLAUN

CONFIDENTIAL

NNN

## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 jan 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** HUMAN RIGHTS, REPORTS  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 17 may 1978  
**Decaption Date:** 01 jan 1960  
**Decaption Note:**  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 20 Mar 2014  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
**Disposition Remarks:**  
**Document Number:** 1978MANAGU02273  
**Document Source:** CORE  
**Document Unique ID:** 00  
**Drafter:** n/a  
**Enclosure:** n/a  
**Executive Order:** GS  
**Errors:** N/A  
**Expiration:**  
**Film Number:** D780208-0665  
**Format:** TEL  
**From:** MANAGUA  
**Handling Restrictions:** n/a  
**Image Path:**  
**ISecure:** 1  
**Legacy Key:** link1978/newtext/t19780550/aaaabqaw.tel  
**Line Count:** 263  
**Litigation Code IDs:**  
**Litigation Codes:**  
**Litigation History:**  
**Locator:** TEXT ON-LINE, ON MICROFILM  
**Message ID:** 5100b49b-c288-dd11-92da-001cc4696bcc  
**Office:** ACTION ARA  
**Original Classification:** CONFIDENTIAL  
**Original Handling Restrictions:** n/a  
**Original Previous Classification:** n/a  
**Original Previous Handling Restrictions:** n/a  
**Page Count:** 5  
**Previous Channel Indicators:** n/a  
**Previous Classification:** CONFIDENTIAL  
**Previous Handling Restrictions:** n/a  
**Reference:** 78 STATE 120485, 77 MANAGUA A-131, 78 MANAGUA A-4  
**Retention:** 0  
**Review Action:** RELEASED, APPROVED  
**Review Content Flags:**  
**Review Date:** 21 jul 2005  
**Review Event:**  
**Review Exemptions:** n/a  
**Review Media Identifier:**  
**Review Release Date:** n/a  
**Review Release Event:** n/a  
**Review Transfer Date:**  
**Review Withdrawn Fields:** n/a  
**SAS ID:** 2667919  
**Secure:** OPEN  
**Status:** NATIVE  
**Subject:** HUMAN RIGHTS REPORT CRITIQUE  
**TAGS:** SHUM, NU  
**To:** STATE  
**Type:** TE  
**vdkgvwkey:** odbc://SAS/SAS.dbo.SAS\_Docs/5100b49b-c288-dd11-92da-001cc4696bcc  
**Review Markings:**  
Sheryl P. Walter  
Declassified/Released  
US Department of State  
EO Systematic Review  
20 Mar 2014  
**Markings:** Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014